

JUDGE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	NO. CR20-127RSL
	)	
Plaintiff,	)	UNOPPOSED MOTION TO CONTINUE
	)	TRIAL AND PRETRIAL MOTIONS DUE
vs.	)	DATE
	)	
GARY BOWSER,	)	
	)	
Defendant.	)	

Defendant, Gary Bowser, by his attorney, Assistant Federal Public Defender Christopher M. Sanders, respectfully requests that this Court continue the currently set trial date of February 1, 2021, and the pretrial motions deadline. The parties' request is based on the complexity of the case and defense counsel's inability to contact Mr. Bowser. Assistant United States Attorneys Francis Franze-Nakamura, Brian Werner, and Frank Lin do not object to this motion.

In support of the motion, the defense states the following:

On August 20, 2020, an Indictment was filed charging Mr. Bowser with Conspiracy to Commit Wire Fraud (Count 1), in violation of Title 18 U.S.C. § 1343; Wire Fraud (Counts 2-5), in violation of Title 18 U.S.C. § 1343; Conspiracy to Circumvent Technological Measures and to Traffic in Circumvention Devices (Count 6), in violation of Title 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1) and 1201(a)(2)(A); Trafficking in Circumvention Devices (Counts 7-10), in violation of Title 17 U.S.C. §§

UNOPPOSED MOTION TO  
CONTINUE TRIAL AND PRETRIAL  
MOTIONS DUE DATE - 1  
(Gary Bowser; CR20-127RSL)

**FEDERAL PUBLIC DEFENDER**  
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1 1201(a)(2)(A) and 1204(a)(1); and Conspiracy to Commit Money Laundering (Count  
2 11), in violation of Title 18 U.S.C. § 1956.

3 Mr. Bowser was arrested on a warrant in New Jersey on October 2, 2020, and  
4 brought before Magistrate Judge Mary Alice Theiler on November 25, 2020, for his  
5 initial appearance and arraignment. Mr. Bowser pled not guilty to the charges and trial  
6 was set for February 1, 2021, with pretrial motions due by December 16, 2020. At the  
7 December 3, 2020 detention hearing Mr. Bowser was ordered detained and remains at  
8 the Federal Detention Center SeaTac.

9 This is a complex technology based case that contains multiple counts. The  
10 Government indicates that there are multiple terabytes of data that will be disclosed as a  
11 part of the discovery process. Further complicating the case is the fact that it involves  
12 multiple co-defendants. Defense counsel cannot be ready for trial within the requisite  
13 time period set forth by the Speedy Trial Act with those realities in mind.

14 For these reasons, Mr. Bowser requests the Court find that:

15 (a) taking into account the exercise of due diligence, a failure to grant a  
16 continuance would deny counsel for the defendant the reasonable time necessary for  
17 effective preparation, due to counsel's need for more time to review the evidence,  
18 consider possible defenses, and gather evidence material to the defense as set forth in  
19 18 U.S.C. § 3161(h)(7)(B)(iv); and

20 (b) a failure to grant a continuance would likely result in a miscarriage of justice  
21 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

22 (c) the additional time requested will be a reasonable period of delay, as the  
23 defendant has requested more time to prepare for trial, to investigate the matter, to  
24 gather evidence material to the defense, and to consider possible defenses; and

25 (d) the additional time requested between the current pretrial motions due date  
26 of December 16, 2020, and any newly scheduled motions date will be necessary to

1 provide counsel for the defendant reasonable time to prepare for any motions that we  
2 are currently investigating.

3 I have not been able to discuss with Mr. Bowser the Speedy Trial Waiver nor  
4 obtain his permission to sign on his behalf because the current COVID-19 outbreak at  
5 the detention center and quarantine conditions. As soon as I am able, a Speedy Trial  
6 Waiver will be filed with the Court pursuant to the Speedy Trial Act, 18 U.S.C. §§  
3161-3174.

7 Accordingly, defense counsel requests to continue the trial date and the motions  
8 deadline.

9 DATED this 17th day of December, 2020.

10  
11 Respectfully submitted,

12 *s/ Christopher M. Sanders*  
13 Attorney for Gary Bowser  
14 Office of the Federal Public Defender  
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